



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, 12 अप्रैल, 1993/22 चैत्र, 1915

हिमाचल प्रदेश सरकार

राजस्व विभाग

अधिसूचना

शिमला-2, 24 मार्च 1993

संख्या: 10-5/75-राजस्व-बी बोल-III.—भारत के राष्ट्रपति, हिमाचल प्रदेश टैनेन्सी एण्ड लैंड रिफॉर्मज एक्ट, 1972 (1974 का 8) की धारा 122 द्वारा प्रदत्त शक्तियों और इस निमित्त उन्हें समर्थ बनाने वाली अन्य शक्तियों का प्रयोग करते हुए, तारीख 14 दिसम्बर, 1992 के राजपत्र, हिमाचल प्रदेश (असाधारण) में समसंख्यांक अधिसूचना तारीख 3 नवम्बर, द्वारा पूर्व प्रकाशित हिमाचल प्रदेश टैनेन्सी एण्ड लैंड रिफॉर्मज रूलज, 1975 में और संशोधन करने के लिए निम्नलिखित नियम, बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम.—इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश टैनेन्सी एण्ड लैंड रिफॉर्मज (संशोधन) नियम, 1993 है।

2. नियम 38-बी का अन्तःस्थापन.—हिमाचल प्रदेश टैनेन्सी एण्ड लैंड रिफॉर्मज रूलज, 1975 के नियम 38-ए के पश्चात् निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

“38-B.—Procedure of vestment of land/building in the State Government.—(1) Where the Registrar or the Sub Registrar, appointed under the Registration Act, 1908 (Act 16 of 1908) before whom any document pertaining to a transfer of land is presented for registration, has reason to believe that the transfer of land is in contravention of the provisions of sub-section (1) of section 118 of the Act or when it comes to the notice

of a Revenue Officer either on an application made to him or on receipt of any information from any source or from field revenue functionaries, or *suo-moto* that any land has been transferred in contravention of the provisions of sub-section (1) of section 118 of the Act, such Registrar, or Sub-Registrar, or the Revenue Officer, as the case may be, shall make reference to the Collector of the District in which the land or any part thereof is situated and the Collector, on receipt of such reference information or knowledge shall hold an enquiry in the matter and during such enquiry shall afford a reasonable opportunity of being heard to the affected parties. The Collector shall, within a period of 90 days from the date of receipt of reference made to him or otherwise, pass an order as he may deem fit and he shall communicate his order to the Registrar, Sub-Registrar or Revenue Officer, as the case may be.

- (2) If a non-agriculturist in whose case permission to purchase land has been granted by the State Government contravenes the provisions of second proviso to clause (i) of sub-section (2) of section 118 of the Act, Collector of the District in which the land or any part thereof is situated, on receipt of a reference or information from any source or *suo-moto* shall hold an enquiry and after affording a reasonable opportunity of being heard to the affected parties, he shall, within 90 days from the date of reference made to him or otherwise, pass an order as he may deem fit and he shall communicate his order to the Revenue Officer concerned.
- (3) Any person aggrieved by the order of the Collector, passed under sub-rule (1) or sub-rule (2) may, within a period of 30 days from the date on which the order is made by the Collector, file an appeal to the Divisional Commissioner to whom the Collector, who passed an order under sub-rule (1) or sub-rule (2) is subordinate, and the Divisional Commissioner may, after giving the parties an opportunity of being heard and if necessary after sending for the records of the case from the Collector, pass such orders on appeal as he may think fit.
- (4) The Financial Commissioner may either on an application made to him within a period of 90 days and *suo-moto* call for the record of any case which has been decided under sub-rule (1) or sub-rule (2) for the purpose of satisfying himself as to the legality of such decisions and may pass such order in relation thereto as he may deem fit:

Provided that he shall not pass any order without giving an opportunity of being heard to the parties likely to be affected by such an order.

- (5) Where the Collector of the District has passed an order under sub-rule (1) or sub-rule (2) in which no appeal has been made within the prescribed period, or the Divisional Commissioner in appeal under sub-rule (3), or the Financial Commissioner in revision under sub-rule (4), decides that the transfer of land is in contravention of the provisions of sub-section (1) or it violates the conditions stipulated in the second proviso to clause (i) of sub-section (2) of section 118 of the Act, as the case may be, such land together with structures, buildings or other attachments, if any, shall vest in the State Government free from all encumbrances and the possession of the land so vested shall be taken over by the concerned Revenue Officer of the tehsil within a period of one month from the date of such order.

आदेश द्वारा,

ओ० पी० यादव,
सचिव ।

[Authoritative English Text of Government notification No. 10-5/75-Rev-B-Vol-III, dated 24th March, 1993 as required under clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

NOTIFICATION

Shimla-2, the 24th March, 1993

No. 10-5/75-Rev-B-Vol-III.—In exercise of the powers conferred under section 122 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Act No. 8 of 1974) and all other enabling powers in this behalf, the President of India is pleased to make the following rules further to amend the Himachal Pradesh Tenancy and Land Reforms Rules, 1975, the same having been previously published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated, the 14th December, 1992 *vide* Notification of even number, dated the 3rd November, 1992, namely:—

1. *Short Title.*—These rules may be called the Himachal Pradesh Tenancy and Land Reforms (Amendment) Rules, 1993.

2. *Insertion of rule 38-B.*—After rule 38-A of the Himachal Pradesh Tenancy and Land Reforms Rules, 1975, the following rules shall be inserted, namely:—

“38-B.—**Procedure of vestment of land/building in the State Government.**—(1) Where the Registrar or the Sub-Registrar, appointed under the Registration Act, 1908 (Act 16 of 1908) before whom any document pertaining to a transfer of land is presented for registration, has reason to believe that the transfer of land is in contravention of the provisions of sub-section (1) of section 118 of the Act or when it comes to the notice of a Revenue Officer either on an application made to him or on receipt of any information from any source or from field revenue functionaries, or *suo-moto* that any land has been transferred in contravention of the provisions of sub-section (1) of section 118 of the Act, such Registrar, or Sub-Registrar, or the Revenue Officer, as the case may be, shall make reference to the Collector of the District in which the land or any part thereof is situated and the Collector, on receipt of such reference or information or knowledge, shall hold an enquiry in the matter and during such enquiry shall afford a reasonable opportunity of being heard to the affected parties. The Collector shall, within a period of 90 days from the date of receipt of reference made to him or otherwise, pass an order as he may deem fit and he shall communicate his order to the Registrar, Sub-Registrar or Revenue Officer, as the case may be.

(2) If a non-agriculturist in whose case permission to purchase land has been granted by the State Government contravenes the provisions of second proviso to clause (i) of sub-section (2) of section 118 of the Act, Collector of the District in which the land or any part thereof is situated, on receipt of a reference or information from any source or *suo-moto* shall hold an enquiry and after affording a reasonable opportunity of being heard to the affected parties, he shall, within 90 days from the date of reference made to him or otherwise, pass an order as he may deem fit and he shall communicate his order to the Revenue Officer concerned.

(3) Any person aggrieved by the order of the Collector, passed under sub rule (1) or sub rule (2) may within a period of 30 day from the date of which the order is made by the Collector, file an appeal to the Divisional Commissioner to whom the Collector, who passed an order under sub-rule (1) or sub-rule (2), is subordinate, and the Divisional Commissioner may, after giving the parties an opportunity of being heard and

if necessary after sending for the records of the case from the Collector, pass such orders on appeal as he may think fit.

- (4) The Financial Commissioner may either on an application made to him within a period of 90 days or *suo-moto* call for the record of any case which has been decided under sub-rule (1) or sub-rule (2) for the purpose of satisfying himself as to the legality of such decision and may pass such order in relation thereto as he may deem fit:

Provided that he shall not pass any order without giving a opportunity of being heard to the parties likely to be affected by such an order.

- (5) Where the Collector of the District has passed an order under sub-rule (1) or sub-rule (2) in which no appeal has been made within the prescribed period, or the Divisional Commissioner in appeal under sub-rule (3), or the Financial Commissioner in revision under sub-rule (4), decides that the transfer of land is in contravention of the provisions of sub-section (1) or it violates the conditions stipulated in the second proviso to clause (i) of sub-section (2) of section 118 of the Act, as the case may be, such land together with structures, buildings or other attachments, if any, shall vest in the State Government free from all encumbrances and the possession of the land so vested shall be taken over by the concerned Revenue Officer of the tehsil within a period of one month from the date of such order.

By order,

O. P. YADAV,
Secretary.